

BORA LASKIN LAW LIBRARY



3 1761 06095469 0

International Environmental Law

Professor Jutta Brunnée

2005-2006

University of Toronto

Faculty of Law

**These materials are reproduced solely for the use of students in the
Faculty of Law, University of Toronto**

BORA LASKIN LAW LIBRARY

NOV 18 2005

FACULTY OF LAW
UNIVERSITY OF TORONTO

International Environmental Law

Professor Jutta Brunnée

2005-2006

University of Toronto

Faculty of Law

**These materials are reproduced solely for the use of students in the
Faculty of Law, University of Toronto**

INTERNATIONAL ENVIRONMENTAL LAW

Professor Jutta Brunnée

Table of Contents

I. Introduction: Course Themes

UNEP, <i>GEO: Global Environmental Outlook 3</i> , Introduction (pp. 20-29) and Ch. 1 “Integrating Environment and Development 1972-2002” (pp. 2-26); (London: Earthscan, 2002).....	1
M. Akehurst, “Is International Law Really Law?” in <i>A Modern Introduction to International Law</i> , 6th ed. (London: Unwin & Hyman, 1987) at 1-11.....	36
R. Higgins, <i>Problems and Process, International Law and How We Use It</i> (Oxford: Clarendon Press, 1995) at 1-16.....	42
J. Brunnée, “Beyond Rio? The Evolution of International Environmental Law” 1993 20/1 <i>Alternatives</i> 16 at 16, 18-23.....	49
Article 38, <i>Statute of the International Court of Justice</i>	54
Stephen D. Krasner, “International Law and International Relations: Together, Apart, Together?” (Spring 2000) 1 <i>Chicago Journal of International Law</i> 93-99.....	55
Ronald B. Mitchell, “International Environment,” in Walter Carlsnaes, Thomas Risse & Beth A. Simmons, eds., <i>Handbook of International Relations</i> (London: Sage, 2003), pp.502-512.....	59
J. Cameron, “Globalization and the Ecological State” in (1999) 8 <i>RECIEL</i> 243 at 243-7.....	66

II. Principles of International Environmental Law

<i>Trail Smelter Case (United States v. Canada)</i> (1949) 3 U.N. Rep. Int'l Arb. Awards 1905, 1908, 1938, 1940, 1945, 1962, 1963-1966.....	70
<i>Corfu Channel (U.K. v. Albania)</i> (1949) I.C.J. Rep. 4, 22-23.....	73
<i>Lake Lanoux (France v. Spain)</i> (1957) I.L.R. 101, 127-129, 140-141.....	74
<i>Nuclear Tests (Australia v. France) Interim Protection, Order of June 22, 1973</i> I.C.J. Rep. 99, 99-106.....	76
International Court of Justice, <i>Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons</i> , 8 July 1996, paras. 27-37, 105.....	78

International Court of Justice, <i>Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)</i> , 25 September 1997, paras. 39-59, 72-79, 82-87, 135-147 [reproduced in Part 4, below].	
<i>Stockholm Declaration on the Human Environment</i> , (1972) 11 I.L.M. 1416.....	82
<i>Rio Declaration on Environment and Development</i> , (1992) 31 I.L.M. 876.....	85
Johannesburg Declaration on Sustainable Development, A/CONF.199/20 (2002), p. 1-5.....	90
“Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law” in World Commission on Environment and Development, <i>Our Common Future</i> (New York: Oxford University Press, 1987) at 348-351.....	95
IUCN, <i>Draft International Covenant on Environment and Development</i> (World Conservation Union, 1995).....	97
G. Handl, “Environmental Security and Global Change: The Challenge to International Law” (1990) 1 <i>Y.B. Int’l Env. L.</i> 20-33.....	118
K. Mickelson, “South, North, International Environmental Law and International Environmental Lawyers” (2001) [reproduced in Part 4, below].	
Susan Biniaz, “Common But Differentiated Responsibility - Remarks,” in American Society of International Law, <i>Proceedings of the Annual Meeting</i> (2002), 359-363. [reproduced in Part 4, below].	
J. Brunnée, “A Conceptual Framework for an International Forests Convention: Customary Law and Emerging Principles” in Canadian Council on International Law, <i>Global Forests and International Environmental Law</i> at 55-62 [reproduced in Part 6, below].	
<i>Spraytech (Société d’arrosage) v. Hudson (Town)</i> , 2001 SCC 40.....	123
 <u>III. Transboundary Pollution: Acid Rain</u>	
J. Regens & R. Rycroft, <i>The Acid Rain Controversy</i> (Pittsburgh: University of Pittsburgh Press, 1988) at 35-37, 39, 48-51.....	125
UNEP, <i>GEO: Global Environmental Outlook 3</i> , Ch. 2 “State of the Environment and Policy Retrospective: 1972–2002 (Atmosphere),” pp. 210-212; (London: Earthscan, 2002).....	129
M. Mittelstaedt, “Acid rain warning sounded,” <i>The Globe and Mail</i> (26 March 2001) A.7.....	132

B. McAndrew, "Utilities top new list of polluters," <i>The Toronto Star</i> (21 July 2001) A6.....	133
Matthew Preusch, "Pollution Dispute in Northwest Straddles the Border," <i>New York Times</i> , March 20, 2004 A.8.....	134
<i>ECE Convention on Long-Range Transboundary Air Pollution</i> (1979).....	136
<i>Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on the Reduction of Sulfur Emissions or Their Transboundary Fluxes by at Least 30 Percent</i> (1985).....	144
<i>Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions</i> (1988).....	149
Convention on Long-Range Transboundary Air Pollution (Executive Body), Decision 1997/2 Concerning the Implementation Committee, Its Structure and Functions and Procedures for Review of Compliance.....	156
Questions for Treaty Analysis.....	159
T. Gehring, "International Environmental Regimes: Dynamic Sectoral Legal Systems" (1990) 1 Y.B. Int'l Env. L. 35-56.....	161
G. Downs <i>et al.</i> , "The Transformational Model of International Regime Design: Triumph of Hope or Experience?" (2000) 38 Col. J. of Transnt'l Law 465at 465, 469-476.....	169
<i>Memorandum of Intent Between the Government of Canada and the Government of the United States of America Concerning Transboundary Air Pollution</i> (1980) 32 U.S.T. 2522.....	174
<i>Agreement between the Government of the United States of America and the Government of Canada on Air Quality</i> (1991) 30 I.L.M. 676.....	179
 <u>IV. Transboundary Pollution: Shared Freshwater Resources</u>	
UNEP, <i>GEO: Global Environmental Outlook</i> 3, Ch. 2 "State of the Environment and Policy Retrospective: 1972–2002 (Freshwater)," pp. 150-157; (London: Earthscan, 2002).....	187
J. Ibbitson, "Who'll stop draining of Devil's Lake?" (Globe and Mail: July 12, 2005).....	195
International Law Association, <i>Helsinki Rules</i> (1966).....	198
<i>1994 ILC Draft Articles on the Law of the Non-Navigational Uses of International Watercourses</i> , Arts. 5-7.....	202

United Nations, <i>Convention on the Law of the Non-Navigational Uses of International Watercourses</i> , 21 May 1997, Preamble, Arts. 1-10, 20-25, 36.....	204
S. McCaffrey, "Water, Politics and International Law" in P. Gleick, ed., <i>Water in Crisis</i> (New York: Oxford University Press, 1993) at 97-100.....	209
C. Bourne, "The International Law Commission's Draft Articles on the Law of International Watercourses: Principles and Planned Measures" (1992) 3 <i>Colo. J. Int'l Env. L. & Pol'y</i> 82-92.....	213
J. Lammers, "Commentary of Papers Presented by Charles Bourne and Alberto Szekely" (1992) 3 <i>Colo. J. Int'l Env. L. & Pol'y</i> 103-109.....	219
G. Handl, "The International Law Commission's Draft Articles on the Law of International Watercourses (General Principles and Planned Measures): Progressive or Retrogressive Development of International Law?" (1992) 3 <i>Colo. J. Int'l Env. L. & Pol'y</i> 129-133.....	222
<i>ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes</i> (1992) 31 <i>I.L.M.</i> 1312.....	225
J. Brunnée & S. Toope, "Environmental Security and Freshwater Resources: a Case for International Ecosystem Law" (1994) 5 <i>Y.B. Int'l Env. L.</i> 42-47, 53-75.....	238
International Court of Justice, <i>Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)</i> , 25 September 1997, paras. 15-25 (summary), 39-59, 72-79, 82-87, 135-147.....	247
A.E. Boyle, "The <i>Gabčíkovo-Nagymaros</i> Case: New Law in Old Bottles" at 13-20.....	264
 <u>V. Global Commons: Ozone Depletion</u>	
M. Lemonick, "The Ozone Vanishes" <i>TIME</i> (17 February 1992) 40.....	269
UNEP, <i>GEO: Global Environmental Outlook 3</i> , Ch. 2 "State of the Environment and Policy Retrospective: 1972-2002 (Atmosphere)," pp. 212-214; (London: Earthscan, 2002).....	272
D. Albritton, "Dealing with Uncertainty: A Challenge for Science" in W. Land, ed., <i>The Ozone Treaties and Their Influence on the Building of International Environmental Regimes</i> , Austrian Federal Ministry for Foreign Affairs 37-42.....	275
F. Stewart, "The Role of the South in a Chaotic World" in A. Carty & H. Singer, eds., <i>Conflict and Change in the 1990s: Ethics, Laws and Institutions</i> (Houndsmills, Hamshire: Macmillan, 1993).....	278

K. Mickelson, "South, North, International Environmental Law and International Environmental Lawyers" (2001).....	287
Susan Biniaz, "Common But Differentiated Responsibility - Remarks," in American Society of International Law, <i>Proceedings of the Annual Meeting</i> (2002), 359-363.....	294
Global Commons: Exploring the Ozone Regime.....	298
<i>Vienna Convention for the Protection of the Ozone Layer</i> (1985).....	299
Montreal Protocol on Substances that Deplete the Ozone Layer (1987) as adjusted and amended in 1990, 1992, & 1995.....	308
Amendments to Montreal Protocol.....	328
Adjustments to Montreal Protocol.....	329

VI. Conservation of Natural Resources: Forests

UNEP, <i>GEO: Global Environmental Outlook 3</i> , Ch. 2 "State of the Environment and Policy Retrospective: 1972–2002 (Forests)," pp. 90-97; (London: Earthscan, 2002).....	330
D. Tarlock, "Exclusive Sovereignty versus Sustainable Development of a Shared Resource: The Dilemma of Latin American Rainforest Management" (1997) 32 <i>Texas Intl L. J.</i> 37-66.....	338
J. Brunnée, "A Conceptual Framework for an International Forests Convention: Customary Law and Emerging Principles" in Canadian Council on International Law, <i>Global Forests and International Environmental Law</i> at 55-62.....	352
P. Sands, <i>Principles of International Environmental Law</i> , 2 nd Ed. (Cambridge: Cambridge University Press, 2003), Ch. 11 "Biological Diversity," pp. 545-551.....	354
United Nations Conference on Environment and Development, <i>Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests</i>	357
Helsinki Forest Meeting, <i>General Declaration: Conclusions</i> (1993).....	365
Ministerial Conference on the Protection of Forests in Europe, <i>General Guidelines for the Sustainable Management of Forests in Europe</i> , Resolutions H1, H3 and H4.....	369
M. Steiner, "After a Decade of Global Forest Negotiations, Where are We Now?" 10(1) <i>RECIEL</i> 98-105 (2001).....	377

Summary of the Fifth Session of the United Nations Forum on Forests: 16–27 May 2005, *Earth Negotiations Bulletin*, Vol. 13 No. 133, 30 May 2005.....385

VII. Global Commons: Climate Change

UNEP, *GEO: Global Environmental Outlook 3*, Ch. 2 “State of the Environment and Policy Retrospective: 1972–2002 (Atmosphere),” pp. 214–216; (London: Earthscan, 2002).....389

David A. King, “Climate Change Science: Adapt, Mitigate or Ignore?” (2004) 303 *Science*, pp.176–177 (January 9 2004).....392

G-8, Joint Science Academies’ Statement: Global Response to Climate Change (Gleneagles: June 2005), http://www.fco.gov.uk/Files/kfile/PostG8_ClimChaAcademies.pdf.....396

Tuvalu, Climate Change and International Law. Excerpts from: BBC News Online, “Tiny Pacific nation takes on Australia,” (Monday, 4 March, 2002); Intergovernmental Panel on Climate Change, *Climate Change 2001: Impacts, Adaptation and Vulnerability* (Section 19.3.4.1.); AFP, “Tuvalu showing no evidence of sea-level rise,” (March 27, 2002); and Kalinga Seneviratne, “Tuvalu Steps Up Threat to Sue Australia, U.S.,” (September 8, 2002 - IPS/PINA Nius Online).....398

J.W. Anderson, “The UN Framework Convention on Climate Change” in *The Weathervane Guide to Climate Policy*.....402

United Nations Framework Convention on Climate Change, available at <http://www.unfccc.de/resource/conv/conv.html>.....404

J.W. Anderson, “A Brief History of the Kyoto Protocol” in *The Weathervane Guide to Climate Policy*.....419

J.W. Anderson, “Overview of the Kyoto Protocol” in *The Weathervane Guide to Climate Policy*.....425

Kyoto Protocol to the United Nations Framework Convention on Climate Change, available at <http://www.unfccc.de/resource/docs/convkp/kpeng.html>.....427

Calculating Compliance with Assigned Amounts (targets).....441

David A. Wirth, “The Sixth Session (Part Two) and Seventh Session of the Conference of the Parties to the Framework Convention on Climate Change,” (2002) 96 *Am.J.Int’l L.* 648–660.....442

K.A. Baumert & N. Kete, “The U.S., Developing Countries, and Climate Protection: Leadership or Stalemate?” World Resources Institute, *Issue Brief* (June 2001).....455

D. Bodansky, "U.S. Climate Policy After Kyoto: Elements for Success," Policy Brief 15, April 2002 (Carnegie Endowment for International Peace).....	464
Stuart E. Eizenstat & David B. Sandalow, "The Years After Tomorrow," <i>The New York Times</i> , July 5, 2004. A.15.....	471
G-8, Climate Change, Clean Energy and Sustainable Development, (Gleneagles: 2005), http://www.fco.gov.uk/Files/kfile/PostG8_Gleneagles_CCChapeau.pdf	473

VIII. Cross-Cutting Issues: Trade and Environment

(1994) Agreement Establishing the World Trade Organization.....	476
United States - Restrictions on Imports of Tuna DS21/R - 39S/155 (1991).....	480
United States - Restrictions on Imports of Tuna DS29/R (1994).....	486
United States - Import Prohibition of Certain Shrimp and Shrimp Products WT/DS58/AB/RW (2001).....	496
T.J. Schoenbaum, "The Decision in the <i>Shrimp-Turtle</i> Case" (1998) 9 Yb. Of Int'l Env. Law 36-39.....	507
J. Atik, "Two Hopeful Readings of <i>Shrimp-Turtle</i> " (1998) 9 Yb. Of Int'l Env. Law 6-12.....	509
D. Brack, "The <i>Shrimp-Turtle</i> Case: Implications for the Multilateral Environmental Agreement- World Trade Organization Debate" (1998) 9 Yb. Of Int'l Env. Law 13-19.....	512
Article 30, <i>Vienna Convention on the Law of Treaties</i>	516
WTO, <i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , WTO Doc. WT/DS26/AB/R, WT/DS48/AB/R.....	517
<i>Cartagena Protocol on Biosafety to the Convention on Biological Diversity</i>	519
P. Sands, <i>Principles of International Environmental Law</i> , 2 nd Ed. (Cambridge: Cambridge University Press, 2003), Ch. 12 "Hazardous Substances and Activities," pp. 653-658.....	522
E. Masood, "Against the Grain" <i>New Scientist</i> (14 January 2000).....	526

IX. Cross-Cutting Issues: Responsibility, Liability, Compliance and Enforcement

Jaqueline Peel, "New State Responsibility Rules and Compliance with Multilateral Environmental Obligations: Some Case Studies of How the New Rules Might Apply in the International Environmental Context," (2001) 10 <i>RECIEL</i> 82-87, 96-97.....	528
ILC, <i>Report on the Work of its 52nd Session</i> , A/CN.4/L.602, excerpts.....	536
J. Brunnée, "Of Sense and Sensibility: International Liability Regimes as a Tool for Environmental Protection," (2004) 53/2 <i>International & Comparative Law Quarterly</i> 351-367.....	543
UNCED Preparatory Committee, Decision 3/25, A/46/48, vol. II, <i>Criteria for Evaluating the Effectiveness of Existing Agreements or Instruments</i>	552
L. Henkin, <i>How Nations Behave: Law and Foreign Policy</i> (New York: Frederick A. Praeger, 1968) 39-50.....	556
M. Koskenniemi, "Breach of Treaty or Noncompliance? Reflections on the Enforcement of the Montreal Protocol" (1992) 3 <i>Yb. of Int'l. Env.Law</i> 123-128.....	561
A. Handler Chayes, Abram Chayes and R.B. Mitchell, "Active Compliance Management in Environmental Treaties" in W. Land, ed., <i>Sustainable Development and International Law</i> (London: Kluwer, 1995) 75-89.....	563
G. Downs <i>et al.</i> , "Is the Good News About Compliance Good News About Cooperation?" in (1996) 50 <i>International Organization</i>	571
Non-Compliance Procedures, <i>Montreal Protocol on Substances that Deplete the Ozone Layer</i>	576
G. Handl, "Compliance Control Mechanisms and International Environmental Obligations" (1997) 5 <i>Tulane J Int'l & Comp L</i> 29.....	579
Procedures and mechanisms on compliance under the Kyoto Protocol, FCCC/CP/2001/L.21.....	590
D. Bodansky, "Customary (And Not So Customary) International Environmental Law" (1995) 3 <i>Indiana J. Global Leg. Studies</i> 112-119.....	605

Further Reading – Selected Sources

1. Introduction – Course Themes

International Environmental Law as Branch of Public International Law

P.W. Birnie & A.E. Boyle, *International Law and the Environment*, 2nd ed. (Oxford: Clarendon Press, 2002) c. 1.

D. Hunter *et al.*, eds., *International Environmental Law and Policy* (New York: Foundation Press, 1998).

A. Kiss & D. Shelton, *International Environmental Law*, 3rd ed. (Dobbs Ferry: Transnational Publishers, 2004).

P. Sands, *Principles of International Environmental Law*, 2nd Ed. (Cambridge: Cambridge University Press, 2003) Ch. 4.

Challenges to International Environmental Law

J.S. Anaya, “Environmentalism, Human Rights and Indigenous Peoples: A Tale of Converging and Diverging Interests” (1999-2000) 7 Buff. Env'tl. L.J. 1.

F. Biermann & K. Dingwerth, “Global Environmental Change and the Nation State” (2003) 4 *Global Environmental Governance* 1-22.

Daniel Bodansky, “The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?,” (1999) 93 Am. J. Int'l L. 596.

Jutta Brunnée, “COPing with Consent: Lawmaking under Multilateral Environmental Agreements,” (2002) 15 *Leiden Journal of International Law* 1-52.

R. Grove, “Climatic Fears: Colonialism and the History of Environmentalism” (Winter 2002) Harvard Int'l Rev. 50.

D.T. Hornstein, “Environmental Sustainability and Environmental Justice at the International Level: Traces of Tension and Traces of Synergy” (1999) 9 Duke Env'tl. L. & Pol'y F. 291.

Harvard Law Review, “Developments in the Law - International Environment Law” (1991) 104 Harv. L. Rev. 1484 at 1484-1639.

B.C. Karkkainen, “Post-Sovereign Environmental Governance” (2003) 4 *Global Environmental Governance* 72-96.

C. Joyner & G. Little, "It's not Nice to Fool Mother Nature! The Mystique of Feminist Approaches to International Environmental Law" (1996) 14 Boston U. Int'l L.J. 223.

K. Mickelson, "South, North, International Environmental Law, and International Environmental Lawyers" (2000) 11 Yearbook of International Environmental Law 52

D. Rodrik, *Has Globalization Gone Too Far?* (Institute for International Economics, 1997).

J.G. Ruggie, "Territoriality and Beyond: Problematique" (1996) 47 International Organization 139.

J. G. Speth, *Red Sky at Morning: America and the Crisis of the Global Environment* (New Haven: Yale University Press, 2004).

J. Wiener, "On the Political Economy of Global Environmental Regulation" (1999) 87 Geo. L.J. 749.

Typology of International Environmental Problems

United Nations Environment Programme, *Global Environment Outlook 1 – 3* (1999 -2002) [<http://www.unep.org/geo/>]

World Resources Institute, *World Resources 2002-2004* (2003) [available at http://pubs.wri.org/pubs_description.cfm?PubID=3764]

Normative or Regime-Oriented Approaches

K.W. Abbott, "Modern International Relations Theory: A Prospectus for International Lawyers" (1989) 14 Yale J. Int'l L. 335.

S. Barrett, *Environment and Statecraft: The Strategy of Environmental Treaty-making* (Oxford: Oxford University Press, 2003).

D. Bodansky, "Customary (And Not so Customary) International Environmental Law" (1995) 3 Indiana J. Global Leg. Stud. 105.

G.W. Downs *et al.*, "The Transformational Model of International Regime Design: Triumph of Hope or Experience?" (2000) 38 Colum. J. Transnat'l L. 465.

M. Finus, *Game Theory and International Environmental Cooperation* (Northampton, Mass.: Edward Elgar, 2000).

P.M. Haas, "Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control" (1989) 43 International Organization 377.

D. Victor *et al.*, eds., *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice* (Cambridge, Mass: MIT Press, 1998).

O.R. Young, ed., *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms* (1999).

UNEP, *International Environmental Governance: Multilateral Environmental Agreements (MEAs)*, UNEP/IGM/2/INF/3 (10 July 2001).

2. Principles of International Environmental Law

Established Principles

P.W. Birnie & A.E. Boyle, *International and the Environment*, 2nd ed. (Oxford: Clarendon Press, 2002) Ch. 3.

J. Brunnée, “The Stockholm Declaration and the Structure and Processes of International Environmental Law,” in Myron H. Nordquist, *et al.*, eds., *The Stockholm Declaration and the Law of the Marine Environment* 67-84 (Martinus Nijhoff Publishers, 2003).

G. Handl, “Territorial Sovereignty and the Problem of Transnational Pollution” (1975) 69 A.J.I.L. 50.

L.B. Sohn, “The Stockholm Declaration on the Human Environment” (1973) 14 Harv. Int’l L.J. 423.

Emerging Principles

E.B. Weiss, *In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity* (Dobbs Ferry, N.Y.: Transnational Publishers, 1989).

W. Lang, ed., *Sustainable Development and International Law* (London: Graham & Trotman, 1995) Chs. 3-5.

G. Maggio, “Inter/Intra-Generational Equity: Current Applications under International Law for Promoting Sustainable Development of Natural Resources” (1997) 4 Buffalo Environmental Law Journal 161.

M. McCloskey, “The Emperor has no Clothes: The Conundrum of Sustainable Development” (1999) 9 Duke Env’tl. L. & Pol’y F. 153.

N. De Sadeleer, *Environmental Principles – From Political Slogans to Legal Rules* (Oxford: Oxford University Press, 2002).

P. Sands, *Principles of International Environmental Law*, 2nd Ed. (Cambridge: Cambridge University Press, 2003), Ch. 6, “General Principles and Rules,” pp. 231-290.

C.D. Stone, "Common But Differentiated Responsibilities in International Law," (2004) 98 *Am. J. Int'l L.* 276.

Symposium on *The Case Concerning Gabčíkovo-Nagymaros Project* (1997) 8 Y.B. Int'l Env. L. 3-50.

Symposium on *The Southern Bluefin Tuna Cases* (1999) 10 Y.B. Int'l Env. L. 3-47.

A. Trouwborst, *Evolution and Status of the Precautionary Principle in International Law* (Kluwer, 2002).

D.A. Wirth, "The Rio Declaration on Environment and Development: Two Steps Forward and One Back, Or Vice Versa?" (1995) 29 *Geo. L. Rev.* 599.

World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987).

Shifting Paradigms - From Sovereignty to Ecosystem Focus

M. Belsky, "Using Legal Principles to Promote the "Health" of an Ecosystem" (1996) 3 *Tulsa Journal of Comparative & International Law* 183 at 200.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: A Case for International Ecosystem Law" (1994) 5 Y.B. Int'l Env. L. 41.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater resources: Ecosystem Regime Building" (1997) 91 *A.J.I.L.* 26.

L.B. Dworsky, "Ecosystem Management: Great Lakes Perspectives" (1993) 33 *Natural Resources Journal* 347.

O. McIntyre, "The Emergence of an 'Ecosystem Approach' to the Protection of International Watercourses under International Law," (2004) 13 *RECIEL* 1.

3. Transboundary Pollution – Acid Rain

Typology of the Problem

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988) at 5-34.

H.F. French, "Clearing the Air" in Lester R. Brown *et al.*, eds., *State of the World 1990* (New York: W.W. Norton & Company, 1990) at 98.

J. McCormick, *Acid Earth: The Global Threat of Acid Pollution* (London: Earthscan, 1985).

Role of Customary Law and Treaties

N. Bankes & J.O. Saunders, “Acid Rain: Multilateral and Bilateral Approaches to Transboundary Pollution under International Law” (1984) 33 *University of New Brunswick Law Review* 155.

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988).

Xue Hanqin, *Transboundary Damage in International Law* (Cambridge: Cambridge University Press, 2003).

4. Transboundary Pollution – Shared Freshwater Resources

Typology of the Problem

R. Clarke, *Water: The International Crisis* (Cambridge, Mass.: MIT Press, 1993).

P.H. Gleick, ed., *Water in Crisis: A Guide to the World's Fresh Water Resources* (New York: Oxford University Press, 1993).

G.J. Young, J.C.I. Dooge & J.C. Rodda, eds., *Global Water Resources Issues* (Cambridge: Cambridge University Press, 1994).

The Role of Customary Law and Treaties

J. Albert, “Rethinking the Management of Transboundary Freshwater Resources: A Critical Examination of Modern International Law and Practice” (2000) 24 *Natural Resources Forum* 21

P.H.F. Bekker, “*Gabcikovo-Nagymaros Project*” (1998) 92 *A.J.I.L.* 273.

P.W. Birnie & A.E. Boyle, *International Law and the Environment*, 2nd ed. (Oxford: Clarendon Press, 2002) ch. 6.

C. Bourne, “International Law on Shared Fresh Water Resources” (1986) *Queen's Law Journal* (Special Issue on International Law) 342.

X. Fuentes, “Sustainable Development and the Equitable Utilization of International Watercourses” (1998) 69 *British Yearbook of International Law* 119.

P. Sands, *Principles of International Environmental Law*, 2nd Ed. (Cambridge: Cambridge University Press, 2003), Ch. 10 “Freshwater Resources,” pp. 459-498.

P. Wouters, "An Assessment of Recent Developments in International Watercourse Law Through the Prism of the Substantive Rules Governing Use Allocation" (1996) 36 *Natural Resources Journal* 417.

The Work of the International Law Commission

"Doman Colloquium on the Law of International Watercourses" (1992) 3 *Colorado Journal of International Environmental Law and Policy* 1 – 333.

G. Hafner & H. Pearson, "The Work of the International Law Commission in the Field of the Environment" (2000) 11 *Y.B. Int'l Env. L.* 3.

A. Nollkaemper, "The Contribution of the International Law Commission to International Water Law: Does it Reverse the Flight from Substance?" (1996) 27 *Netherlands Yearbook of International Law* 39.

The UN Watercourses Convention

E. Hey, "The Watercourses Convention: To What Extent Does it Provide a Basis for Regulating Uses of International Watercourses?" (1998) 7 *Review of European and International Environmental Law* 291.

S.C. McCaffrey & M. Sinjela, "The 1997 United Nations Convention on International Watercourses," (1998) 92 *Am. J. Int'l L.* 97.

A. Schwabach, "The United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, Customary International Law, and the Interests of Developing Upper Riparians" (1998) 33 *Tex. Int'l. L.J.* 257.

A. Tanzi, "The UN Convention on International Watercourses as a Framework for the Avoidance and Settlement of Waterlaw Disputes" (1998) 11 *Leiden Journal of International Law* 441.

Sharing Freshwater and Environmental Security

A.K. Biswas, "Shared Natural Resources: Future Conflicts or Peaceful Development?" in R.J. Dupuis, ed., *The Settlement of Disputes on Natural Resources* (New York: Martinus Nijhoff, 1983) at 197.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: A Case for International Ecosystem Law" (1994) 5 *Y.B. Int'l Env. L.* 41.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: Ecosystem Regime Building" (1997) 91 *A.J.I.L.* 26.

Jutta Brunnée & Stephen J. Toope, “The Changing Nile Basin Regime: Does Law Matter?” (2002) 43/1 *Harvard International Law Journal* 105-159.

A. Elhance, *Hydro-Politics in the Third World: Conflict and Cooperation in International River Basins* (1999).

T. Homer-Dixon, “Environmental Scarcities and Violent Conflict: Evidence from Cases” (1994) 19 *International Security* 5.

N. Tadros, “Shrinking Water Resources: The National Security Issue of the Century” (1996-1997) 17 *Northwestern Journal of International Law and Business* 1091.

P. Gleick, “Water and Conflict: Fresh Water Resources and International Security” (1993) 18 *International Security* 79.

S. Saad, “For Whose Benefit? Redefining Security” (1991) 2 *Ecodecision* 59.

5. Global Commons – Ozone Depletion

Typology of Problem

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988) at 34-49.

N.J. Molina & F.S. Rowland, “Stratospheric Sink for Chlorofluoromethanes: Chlorine Atom Catalyzed Destruction of Ozone” (1974) 249 *Nature* 811.

J.G. Titus, ed., *Effects of Changes in Stratospheric Ozone and Global Climate*, [vol. 1: Overview] (U.S. Environmental Protection Agency, 1986).

Regulating Uncertainty

J. Atik & D. Wirth, “Science and International Trade – Third Generation Scholarship” (2003) *Boston College International and Comparative Law Review* 171.

D. Bodansky, “Scientific Uncertainty and the Precautionary Principle” (1991) 33 *Environment* 4.

D. Freestone & E. Hey, eds., *The Precautionary Principle and International Law: The Challenge of Implementation* (The Hague: Kluwer Law International, 1996) c. 5-9.

O. McIntyre & T. Mosedale, “The Precautionary Principle as a Norm of Customary International Law” (1997) 9 *Journal of Environmental Law* 221.

A. Trouwborst, *Evolution and Status of the Precautionary Principle in International Law* (Kluwer, 2002).

South-North Dimension

D. French, "Developing States and International Environmental Law: The Importance of Differentiated Responsibilities" (2000) 49 Int'l & Comp. L.Q. 35.

B. Ling, "Developing Countries and Ozone Layer Protection: Issues, Principles and Implications" (1992) 6 Tulane Environmental Law Journal 91.

K. Mickelson, "South, North, International Environmental Law, and International Environmental Lawyers" (2000) 11 Y.B. Int'l Env. L. 52.

J.B. Tripp, "The UNEP Montreal Protocol: Industrialized and Developing Countries Sharing the Responsibility for Protecting the Stratospheric Ozone Layer" (1988) 20 New York University Journal of International Law and Politics 733.

V. Williams, "Ozone Depletion, Developing Countries, and Human Rights: Seeking Better Ground on Which to Fight for Protection of the Ozone Layer" 10 Journal of Natural Resources & Environmental Law 83.

The Role of Customary Law & Treaties

J.S. Bales, "Transnational responsibility and Recourse for Ozone Depletion" (1996) 19 Boston College International & Comparative Law Review 259.

R. Benedick, *Ozone Diplomacy: New Directions in Safeguarding the Planet* (Cambridge, Mass.: Harvard University Press, 1991).

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988).

D.D. Caron, "Protection of the Stratospheric Ozone Layer and the Structure of International Environmental Law-Making" (1991) 14 Hastings Int'l & Comp.Law Review 755.

T. Jones, "Implementation of the Montreal Protocol: Barriers, Constraints and Opportunities" (1997) 3 Environmental Lawyer 813.

O. Yoshida, *The International Legal Regime for the Protection of the Ozone Layer* (The Hague: Kluwer, 2001)

6. Conservation of Natural Resources – Forests

Typology of Problem

K. Ramakrishna & G.M. Woodwell, eds., *World Forests for the Future: Their Use and Conservation* (New Haven: Yale University Press, 1993).

Sovereign Resource or Global Commons?

F.P. Anderson, "Of Herdsmen and Nation States: The Global Environmental Commons" 5 *American University Journal of International Law & Policy* 679.

B. Boer, "Developments in International Environmental Law Relating to Forests" (1997) 14 *Environmental and Planning Law Journal* 378.

R. Eshbach, "A Global Approach to the Protection of the Environment: Balancing State Sovereignty and Global Interests" (1994) 4 *Temple Intl & Comp. L.J.* 271.

"Environment vs. Development?"

A. Diaz, "Permanent Sovereignty over Natural Resources" (1994) 24 *Environmental Policy and Law* 157.

K. Mickelson, "Seeing the Forest, the Trees and the People: Coming to Terms with Developing Country Perspectives on the Proposed Global Forests Convention" in Canadian Council on International Law, ed., *Global Forests and International Environmental Law* (London: Kluwer Law International, 1996) 239

J. Ntambirweki, "The Developing Countries in the Evolution of an International Environmental Law" (1991) 14 *Hastings Int'l & Comp. L. Rev.* 905.

R. Khooshie Lal Panjabi, "The South and the Earth Summit: The Development / Environment Dichotomy" (1992) 11 *Dickinson Journal of International Law* 77.

F.X. Perrez, "The Relationship Between "Permanent Sovereignty" and the Obligation not to Cause Transboundary Environmental Damage" (1996) 26 *Environmental Law* 1187.

H. Shue, "The Unavoidability of Justice" in A. Hurrell & B. Kingsbury, eds., *The International Politics of the Environment* (Oxford: Clarendon Press, 1992) at 373.

L.C.W. Wee, "Debt-for-Nature Swaps, A Reassessment of Their Significance in International Environmental Law" (1994) 6 *Journal of Environmental Law* 57.

Designing a Forest Convention

Canadian Council on International Law, ed., *Global Forests and International Environmental Law* (London: Kluwer Law International, 1996).

N. Chalifour, "Global Trade Rules and the World's Forests: Taking Stock of the World Trade Organization's Implications for Forests" (2000) 12 *Geo. Int'l Envtl. L. Rev.* 575.

D. Humphreys, "The Elusive Quest for a Global Forests Convention," (2005) 14 *RECIEL* 1.

J. Janssen & E. Mohr, "The Window of Opportunity for Rain Forest Protection: The Time Remaining in the Rio Process" (1998) 10 *International Environmental Affairs* 40.

M. Steiner, "After a Decade of Global Forest Negotiations, Where Are We Now?" (2001) 10 *RECIEL* 98.

R. Tarasofsky, *The International Forests Regime: Legal and Policy Issues* (Bonn: IUCN, 1995).

D.G. Victor & J.H. Ausubel, "Restoring the Forests" (2000) 79 *Foreign Aff.* 127.

7. The Global Commons – Climate Change

The Climate Change Debate and the United States

D. Bodansky, "Transatlantic environmental relations," in J. Peterson & M.A. Pollack, eds., *Europe, America, Bush: Transatlantic relations in the twenty-first century* (New York: Routledge, 2003) 58.

G. Kahn, "The Fate of the Kyoto Protocol Under the Bush Administration," (2003) 21 *Berkeley J. Int'l L.* 548.

Pew Center on Global Climate Change, *Beyond Kyoto: Advancing the international effort against climate change* (Washington, DC: 2003).

A. Rosencranz, "Reassessing the 1992 Climate Change Agreement: U.S. Climate Change Policy under G.W. Bush," (2002) 32 *Golden Gate U. L. Rev.* 479.

P. Schwartz & D. Randall, "An Abrupt Climate Change Scenario and Its Implications for United States National Security" (October 2003) [available at http://www.ems.org/climate/pentagon_climate_change.html].

T. Wirth, "Hot Air over Kyoto: The United States and the Politics of Global Warming," (Winter 2002) *Harvard International Review* 72.

The UNFCCC and the Kyoto Protocol

S. Barrett & R. Stavins, "Increasing Participation and Compliance International Climate Change Agreements," (2003) 3 *International Environmental Agreements* 349.

D. Bodansky, "The United Nations Framework Convention on Climate Change: A Commentary" (1993) 18 *Yale Journal of International Law* 451.

D. Bodansky, "Bonn Voyage: Kyoto's Uncertain Future," (Fall 2001) *National Interest* 45.

C. Breidenich *et al.*, "The Kyoto Protocol to the United Nations Framework Convention on Climate Change" (1998) 92 *A.J.I.L.* 315.

S.M. Gardiner, "The Global Warming Tragedy and the Dangerous Illusion of the Kyoto Protocol," (2004) 18 *Ethics & International Affairs* 23.

M. Grubb & F. Yamin, "Climatic collapse at The Hague: what happened, why, and where do we go from here?" (2001) 77 *Int'l Affairs* 261.

Michael Lisowski, "The emperor's new clothes: redressing the Kyoto Protocol," (2002) 2 *Climate Policy* 161.

S. Oberthür & H. Ott, *The Kyoto Protocol: International Climate Policy for the 21st Century* (1999).

D.G. Victor, *The Collapse of the Kyoto Protocol and the Struggle to Slow Global Warming* (2001).

D.A. Wirth, "The Sixth Session (Part Two) and Seventh Session of the Conference of the Parties to the Framework Convention on Climate Change," (2002) 96 *Am.J.Int'l L.* 648.

The Kyoto Mechanisms

D. Driesen, "Free Lunch or Cheap Fix? The Emissions Trading Idea and the Climate Change Convention" (1998) 26 *Boston College Env't. Aff. L. Rev.* 1.

R. Nordhaus *et al.*, "International Emissions Trading Rules as a Compliance Tool: What is Necessary, Effective and Workable" (2000) 30 *Environmental Law Reporter* 10837 [available at <http://www.vnf.com/content/Articles/Articles/danish.pdf>]

J. Werksman, "Greenhouse Gas Emissions Trading and the WTO" (1999) 8 *Review of European and International Environmental Law* 251.

F. Yamin, "The Kyoto Protocol: Origins, Assessment and Future Challenges" (1998) 7 *Review of European and International Environmental Law* 113.

F. Yamin, "Equity, Entitlements, and Property Rights under the Kyoto Protocol: The Shape of Things to Come" (1999) 8 *Review of European and International Environmental Law* 265.

The Compliance Regime

J. Brunnée, "A Fine Balance: Facilitation and Enforcement in the Design of a Compliance Regime for the Kyoto Protocol" (2000) 13 *Tulane Environmental Law Journal* 223.

J. Brunnée, "The Kyoto Protocol: A Testing Ground for Compliance Theories?" (2003) 63/3 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (Heidelberg Journal of International Law)* 255-280.

M. Doelle, "Climate Change and the WTO: Opportunities to Motivate State Action on Climate Change through the World Trade Organization," (2004) 13 *RECIEL* 85.

J. Werksman, "Compliance and the Kyoto Protocol: Building a Backbone into a Flexible Regime" (1998) 9 *Y.B. Int'l Env. L.* 48.

South-North Issues

C. Batruch, "Hot Air as a Precedent for Developing Countries? Equity Considerations" (1998-1999) 17 *UCLA J. Envtl. L. & Pol'y* 45.

P. Cullet, "Equity and Flexibility Mechanisms in the Climate Change Regime: Conceptual and Practical Issues" (1999) 8 *Review of European and International Environmental Law* 168.

J. Gupta, "North-South Aspects of the Climate Issues: Towards a Constructive Negotiating Package for Developing Countries" (1999) 8 *Review of European and International Environmental Law* 198.

L. Rajamani, "The Principle of Common but Differentiated Responsibility and the Balance of Commitments under the Climate Change Regime," (2000) 9 *RECIEL* 120.

J. Werksman, "The Clean Development Mechanism: Unwrapping the Kyoto Surprise" (1998) 7 *Review of European and International Environmental Law* 147.

8. Cross-Cutting Issues – Trade and Environment

From the GATT to the WTO

D. Balton *et al.*, "Symposium on World Trade and the Environment" (1999) 19 *NYL Sch. Journal of Int'l & Comp. Law* 163.

E. Brown Weiss & J. Jackson, *Reconciling Environment and Trade* (New York: Transnational Publishers, 2001).

S. Charnovitz, "Free Trade, Fair Trade, Green Trade: Defogging the Debate" (1994) 27 *Cornell International Law Journal* 459.

B.J. Condon, "Reconciling Trade and Environment: A Legal Analysis of European and North American Approaches" (2000) 8 *Cardozo J. Int'l & Comp. L.* 1.

J.L. Dunoff, "Reconciling Trade with Preservation of the Global Commons: Can We Prosper and Protect?" (1992) 49 *Washington and Lee Law Review* 1407.

A. Durbin, "Trade and Environment: The North-South Divide" (1995) 37 *Environment* 16.

D.C. Esty, *Greening the Gatt: Trade, Environment, and the Future* (Washington: Institute for International Economics, 1994) c. 1-3.

J. Knox, "The Judicial Resolution of Conflicts between Trade and the Environment" (2004) 28 *Harvard Envtl. L. Rev.* 1.

D.A. Motaal, "Trade and Environment in the World Trade Organization: Dispelling Misconceptions" (1999) 8 *Review of European and International Environmental Law* 330.

R. Parker, "The Use and Abuse of Trade Leverage to Protect the Global Commons: What We Can Learn from the Tuna Dolphin Dispute" (1999) 12 *Georgetown International Environmental Law Review* 1.

Symposium on *The United States – Import Prohibition of Certain Shrimp and Shrimp Products Case* (1998) 9 *Y.B. Int'l Env. L.* 3-50.

WTO & MEAs

A. Gonzales-Calatayud & G. Marceau, "The Relationship Between the Dispute Settlement Mechanisms of MEAs and of the WTO" (2002) 11 *RECIEL* 279.

D. Brack & K. Gray, *Multilateral Environmental Agreements and the WTO* (RIIA & IISD, 2003).

R. Eckersley, "The Big Chill: The WTO and Multilateral Environmental Agreements," (2003) 4 *Global Environmental Politics* 24.

R. Schwartz, "Trade Measures Pursuant to Multilateral Environmental Agreements: Developments from Singapore to Seattle" (2000) 9 *RECIEL* 63.

The Biosafety Protocol

L. Boisson de Chazournes & M.M. Mbebe, "GMOs and Trade: Issues at Stake in the EC Biotech Dispute," (2004) 13 *RECIEL* 289.

D. Katz, "The Mismatch between the Biosafety Protocol and the Precautionary Principle" (2001) 13 *Geo. Int'l Envtl. L. Rev.* 951.

R. MacKenzie, "The Cartagena Protocol after the First Meeting of the Parties," (2004) 13 *RECIEL* 270.

A.H. Qureshi, "The Cartagena Protocol on Biosafety and the WTO: Coexistence or Incoherence?" (2000) 49 *Int'l & Comp. L.Q.* 835.

James F. Smith, "From Frankenfood to Fruit Flies: Navigating the WTO/SPS" (2000) 6 *U.C. Davis J. Int'l L. & Pol'y* 1.

T.P. Stewart & D.S. Johanson, "A Nexus of Trade and Environment: The Relationship between the Cartagena Protocol on Biosafety and the SPS Agreement of the World Trade Organization" (2003) 14 *Colo. J. Int'l Env'tl. L. & Pol.* 1.

T. Stoll, "Controlling The Risks of Genetically Modified Organisms: The Cartagena Protocol on Biosafety and the SPS Agreement" (1999) 10 *Y.B. Int'l Env. L.* 82.

9. Cross-Cutting Issues – Compliance and Enforcement

Measuring the Effectiveness of International Environmental Law

R.R. Churchill & G. Ulfstein, "Autonomous Institutional Arrangements in Multilateral Environmental Agreements: A Little-Noticed Phenomenon in International Law" (2000) 94 *Am. J. Int'l L.* 623.

Gabriela Kütting, *Environment, Society, and International Relations: Towards More Effective International Environmental Agreements* (London & New York: Routledge 2000).

A. Nollkaemper, "On the Effectiveness of International Rules" (1992) 27 *Acta Politica* 49.

P.H. Sand, ed., *The Effectiveness of International Environmental Agreements: A Survey of Existing Legal Instruments* (Cambridge: Grotius Publications Limited, 1992).

D. Victor *et al.*, eds., *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice* (Cambridge, Mass: MIT Press, 1998).

O.R. Young, ed., *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms* (1999).

State Responsibility & Liability

T. Berwick, "Responsibility and Liability for Environmental Damage: A Roadmap for International Environmental Regimes" (1998) 10 *Georgetown International Environmental Law Review* 257.

A. Boyle, "State Responsibility and International Liability for Injurious Consequences of Acts Not Prohibited by International Law: A Necessary Distinction?" (1990) 39 *Int'l & Comp. Law Quarterly* 1.

A. Boyle, "Globalising Environmental Liability: The Interplay of National and International Law," (2005) 17 *J of Environmental Law* 3.

A. Daniel, "Civil Liability Regimes as a Complement to Multilateral Environmental Agreements: Sound International Policy or False Comfort?" (2003) 12 *RECIEL* 225-241.

P.M. Dupuy, "The International Law of State Responsibility: Revolution or Evolution?" (1989) 11 *Michigan Journal of International Law* 105.

United Nations (International Law Commission), *Articles on Responsibility of States for Internationally Wrongful Acts* [provisionally adopted by the Commission on second reading, UN. Doc. A/CN.4/602 (June 2001)].

Corporate Social Responsibility & Accountability

E. Morgera, "From Stockholm to Johannesburg: From Corporate Responsibility to Corporate Accountability for the Global Protection of the Environment?" (2004) 13 *RECIEL* 214-222.

M.-C. Cordonier-Segger, "Sustainability and Corporate Accountability Regimes: Implementing the Johannesburg Summit Agenda," (2003) 12 *RECIEL* 295-309.

D. Rodrik, *Has Globalization Gone Too Far?* (Institute for International Economics, 1997).

Promoting Compliance

A.E. Boyle, "Saving the World: Implementation and Enforcement of International Environmental Law" (1991) 3 *Journal of Environmental Law* 229.

J. Brunnée & S.J. Toope, "Persuasion and Enforcement: Explaining Compliance with International Law" (2002) XII *Finnish Yearbook of International Law* 1.

E.B. Weiss & H.K. Jacobson, *Engaging Countries: Strengthening Compliance with International Accords* (Boston: MIT Press, 1998).

A. Chayes & A. Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge: Harvard University Press, 1995).

K. Danish, "Management v. Enforcement: The New Debate on Promoting Treaty Compliance" (1997) 37 *Va. J. Int'l L.* 789.

G.W. Downs *et al.*, "Is the Good News about Compliance Good News about Cooperation?" (1996) 50 *Int'l Org.* 379.

G.W. Downs *et al.*, "The Transformational Model of International Regime Design: Triumph of Hope or Experience?" 38 *Columbia Journal of Transnational Law* 465.

M. Koskienniemi, "Breach of Treaty of Non-Compliance? Reflections on the Enforcement of the Montreal Protocol" (1992) 3 *Yearbook of International Environmental Law* 123.

K. Raustiala, "Compliance & Effectiveness in International Regulatory Cooperation," (2000) 32 *Case W. Res. J. Int'l L.* 387.

P. Sands, "Enforcing Environmental Security: The Challenges of Compliance with International Obligations" (1993) 15 *Journal of International Affairs* 46.

D. Shelton, ed., *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System* (New York: Oxford University Press, 2000).

Normative and Regime – Oriented Approaches Revisited

J.E. Alvarez, "Why Nations Behave" (1998) 19 *Mich. J. Int'l Law* 303.

Jutta Brunnée, "COPing with Consent: Lawmaking under Multilateral Environmental Agreements," (2002) 15 *Leiden Journal of International Law* 1-52.

P.M. Dupuy, "Soft Law and the International Law of the Environment" (1991) 12 *Michigan Journal of International Law* 420.

T. Franck, *Fairness in International Law and Institutions* (Oxford: Clarendon Press, 1995).

R. Jennings, "The Role of the International Court of Justice in the Development of International Environmental Protection Law" (1992) 1 *Review of European Community and International Environmental Law* 240.

B. Kingsbury, "The Concept of Compliance as a Function of Competing Conceptions of International Law" (1998) 19 *Mich. J. Int'l Law* 345.

H. Hongju Koh, "Why Do Nations Obey International Law?" (1997) 106 *Yale Law Journal* 2599.

K. Raustiala & A.-M. Slaughter, "International Law, International Relations and Compliance" in Carlsnaes *et al.*, eds., *Handbook of International Relations* (2002).

J. Setear, "An Iterative Perspective on Treaties: A Synthesis of International Relations Theory and International Law" (1996) 37 *Harvard International Law Journal* 139.

A.M. Slaughter Burley, "International Law and International Relations Theory: A Dual Agenda" (1993) 87 *American Journal of International Law* 205.

Selected Sources on International Environmental Law

[N.B.: Over the past few years, an array of sources - document collections, journals, websites - have emerged and the number of sources is growing continuously. The following lists provide only a selection of those sources, placing emphasis on particularly useful sources.]

1. Document Collections

P. Birnie & A.E. Boyle, eds., *Basic Documents on International Environmental Law* (Oxford: Oxford University Press, 1995) [K 3583 B375 1995 LAW]

Edith Brown Weiss *et al.*, eds., *International Environmental Law: Basic Instruments and References* (Dobbs Ferry: Transnational Publishers, 1992) [(R): K/3583/W45/1992]

W.E. Burhenne, ed., *International Protection of the Environment: Conservation in Sustainable Development* (1995) [K 3583 A1 I58 1995 LAW]

W.E. Burhenne, ed., *International Environmental Soft Law: Collection of Relevant Instruments* (1993) [K 3583 I58 LAW]

David Hunter *et al.*, eds., *International Environmental Law and Policy* (Treaty Supplement) (New York: Foundation Press, 1998).

B. Rüster & B. Simma, eds., *International Protection of the Environment: Treaties and Related Documents* (Dobbs Ferry: Oceana) (vols. I-XXXI, 1975-1983) [K/3583/A1/I58]

B. Rüster & B. Simma, eds., *International Protection of the Environment: Treaties and Related Documents* (Dobbs Ferry: Oceana) (Looseleaf, 1990-1994) [K/3583/A1/I58/1990 LAW]

P. Sands, ed., *Documents in International Environmental Law*, 2nd Ed. (Cambridge: Cambridge University Press, 2004) [K 3583 D63 2004 LAW]

2. JOURNALS

Colorado Journal of International Environmental Law and Policy

Environmental Policy and Law

Georgetown International Environmental Law Review

International Environment Reporter

Review of European and International Environmental Law (RECIEL)

[available at <http://www.ingenta.com/journals/browse/bpl/reel>]

Yearbook of International Environmental Law

[K 3581.2 Y32]

3. INTERNET SOURCES

[Many of these sites provide extensive cross-links to other relevant sources and sites; particularly good access sites are highlighted. *Pls. note that the list of sites is up to date as of July 2005.*]

American Society of International Law (*Guide to Electronic Resources for International Law*): <http://www.asil.org/resource/env1.htm>

Bora Laskin Law Library “International Law Guide I: Treaties and Other Sources of International Law”: <http://www.law-lib.utoronto.ca/resguide/rschguid.htm>

Bora Laskin Law Library “Global Sustainable Development and International Law”
<http://www.law-lib.utoronto.ca/resguide/global/index.htm>

Center for International Environmental Law (CIEL) (US): <http://www.ciel.org/>

CIA World Factbook 2005: <http://www.odci.gov/cia/publications/factbook/>

E-Law (International Network of Environmental Lawyers): <http://www.elaw.org/>

European Union (Environment Policy): http://www.europa.eu.int/pol/env/index_en.htm

Fletcher School of Law and Diplomacy (Multilaterals Project):
<http://fletcher.tufts.edu/multilaterals.html>

Foundation for International Environmental Law (FIELD (UK): <http://www.field.org.uk/>

Global Environment Facility (GEF): <http://www.gefweb.org/>

Globelaw: <http://www.globelaw.com/sources.htm>

International Centre for Trade and Sustainable Development: <http://www.ictsd.org/>

International Institute for Sustainable Development (IISD): <http://www.iisd.ca>

North American Commission for Environmental Cooperation (NAAEC): <http://www.cec.org/>

United Nations Environment Programme: <http://www.unep.org/>

Global Environment Outlook 2003: <http://www.unep.org/geo/geo3/index.htm>

World Resources Institute (WRI): <http://www.wri.org/>

World Trade Organization (WTO): <http://www.wto.org/>